

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because (a) the drawings fail to comply with 37 CFR 1.84(p)(4) because reference character “8.4” has been used to designate both “a longitudinal slot” in Figure 1a and “a lug or tongue” in Figures 3 and 8 (it appears that the “longitudinal slot” in Figure 1a should be denoted by reference character “8.5” in lieu of reference character “8.4” – see e.g., Figure 8); and (b) in Figure 5b, it appears that reference character “8.2”, which is used to denote the “lower part” in this figure, should be changed to reference character “8.1”. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

EXAMINER’S AMENDMENT

2. An examiner’s amendment to the record appears below. This examiner’s amendment requires an additional claim fee for two new dependent claims that have been added below. During a telephone conversation conducted on September 28, 2009, Kevin L. McHenry, Attorney for Applicants, authorized the Director to charge Deposit Account No. 19-0741 the required fee of \$104.00 for these two newly added dependent claims. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Kevin L. McHenry, Attorney for Applicants, on September 25, 2009.

3. The claims have been amended as follows:

In **claim 30**, line 11, the phrase --at a first edge of the pivotable cover-- has been inserted between the word "portion" and the comma;

In **claim 30**, line 14, the period at the end of this line has been deleted and a comma has been added in its place;

In **claim 30**, immediately following line 14, the following clause has been added:

--wherein the pivotable cover further comprises a second edge opposed to the first edge, the second edge of the pivotable cover comprising a projection that guides and applies tension to the roller-type louver when the pivotable cover is in a closed position.-- ;

In **claim 57**, line 12, the phrase --at a first edge of the pivotable cover-- has been inserted between the word "portion" and the comma;

In **claim 57**, line 15, the period at the end of this line has been deleted and a comma has been added in its place;

In **claim 57**, immediately following line 15, the following clause has been added:

--wherein the pivotable cover further comprises a second edge opposed to the first edge, the second edge of the pivotable cover comprising a projection that guides and applies tension to the roller-type louver when the pivotable cover is in a closed position.-- ;

Add the following new **claim 59**:

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--59. The control device as claimed in claim 30, wherein the roller-type louver is in contact with at least one of the drive shaft and the return shaft for less than a full circumference of the at least one drive shaft and return shaft.-- ;

Add the following new **claim 60**:

--60. The heating or air conditioning system as claimed in claim 57, wherein the roller-type louver is in contact with at least one of the drive shaft and the return shaft for less than a full circumference of the at least one drive shaft and return shaft.--

4. The specification has been amended as follows:

On page 3 of the Amendments to the Specification dated August 29, 2008, in line 4 of the replacement paragraph for the original paragraph starting on page 6, line 32, of the specification, reference character “3”, which immediately follows the word “housing”, has been deleted and reference character --2-- has been added in its place;

On page 3 of the Amendments to the Specification dated August 29, 2008, in line 12 of the replacement paragraph for the original paragraph starting on page 6, line 32, of the specification, reference character “3”, which immediately follows the word “housing”, has been deleted and reference character --2-- has been added in its place;

On page 7 of the original specification, in line 22, reference characters “8, 9”, which immediately follow the phrase “side parts”, have been deleted and reference character --8-- has been added in their place;

On page 7 of the original specification, in line 23, reference character “2”, which immediately follows the phrase “roller band”, has been deleted and reference character --5-- has been added in its place;

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On page 7 of the original specification, in line 25, reference character “2”, which immediately follows the phrase “roller band”, has been deleted and reference character --5-- has been added in its place;

On page 7 of the original specification, in line 29, reference character “2”, which immediately follows the phrase “roller band”, has been deleted and reference character --5-- has been added in its place;

On page 7 of the original specification, in line 31, reference character “2”, which immediately follows the phrase “roller band”, has been deleted and reference character --5-- has been added in its place;

On page 7 of the original specification, in line 36, reference character “3”, which immediately follows the word “housing”, has been deleted and reference character --2-- has been added in its place;

On page 9 of the original specification, in line 11, reference character “3”, which immediately follows the word “housing”, has been deleted and reference character --2-- has been added in its place;

On page 11 of the original specification, in line 15, reference character “4.1”, which immediately follows the word “apertures”, has been deleted and reference character --4.2-- has been added in its place;

On page 11 of the original specification, in line 31, reference character “3”, which immediately follows the word “housing”, has been deleted and reference character --2-- has been added in its place.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:

The prior art references, neither alone nor in combination, disclose, teach or suggest a control device for controlling air flows in a motor vehicle, or a heating or air conditioning system comprising such a control device, having the combination of elements recited in independent claims 30, 57, and 58.

Specifically, with respect to independent claims 30 and 57 (as amended above), the closest prior art is considered to be that of Danieau (US 5,906,355) and Stevenson et al. (US 6,802,768). While the combined teachings of Danieau and Stevenson et al. may disclose some of the claimed limitations, claims 30 and 57 are clearly patentable over these references, whether considered individually or in combination, because these references fail to disclose, teach, or suggest at least the following claimed elements: (a) the longitudinal portion of each hollow body being *integrally* formed on the housing, and (b) wherein the pivotable cover further comprises a second edge opposed to a first edge, the *second edge of the pivotable cover* comprising a *projection* that *guides* and *applies tension* to the *roller-type louver* when the pivotable cover is in a closed position (emphasis added). Moreover, one of ordinary skill in the art would have no reasonable motivation for modifying the Danieau base reference so as to overcome the deficiencies recited above. For example, one of ordinary skill in the art would have no motivation to modify the envelope walls (40, 42) such that the projection(s) on the two transverse sides (36) of the guide frame (22) comprise part of a pivoted cover. Refer to Danieau, Figure 2A, column 4, lines 10-28. Stevenson et al. generally teaches a pivotable housing cover (106) that is hinged about an edge (107). See Stevenson et al., Figure 4, column 4, lines 38-49.

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However, it is very important to note that Stevenson et al. specifically discloses that the pivotable housing cover (106) is generally divided in half. Refer to Stevenson et al., Figure 4. Thus, even assuming that the teachings of Stevenson et al. could be properly combined with the disclosure of Danieau, one of ordinary skill in the art could not arrive at the combination of elements recited in claims 30 and 57 because the envelope walls (40, 42) of Danieau would be divided in half in the manner taught by Stevenson et al. and thus, the modified pivotable cover would not include the projections on the two transverse sides (36) of the guide frame (22). Consequently, there is no possible way to arrive at the claimed invention without resorting to impermissible hindsight reconstruction. Therefore, because the closest prior art fails to disclose, teach, or suggest numerous limitations set forth in claims 30 and 57, and there is no reasonable motivation for one of ordinary skill in the art to modify the closest prior art references (Danieau and Stevenson et al.) in such a way so as to cure these deficiencies, independent claims 30 and 57 of this application are clearly patentable over the prior art.

Moreover, with respect to independent claim 58, the closest prior art is considered to be that of Danieau (US 5,906,355), Stevenson et al. (US 6,802,768), and Japanese Patent Publication No. JP 7001945 A (JP '945"). While the combined teachings of Danieau, Stevenson et al., and the JP '945 reference may disclose some of the claimed limitations, claim 58 is clearly patentable over these references, whether considered individually or in combination, because these references fail to disclose, teach, or suggest at least the following claimed elements: (a) wherein openings or cutouts are distributed on the roller band such that, when the at least one passage opening is closed, *each layer of the roller band covers approximately half of the passage opening*, and (b) wherein the passage opening is opened by the *two layers of the roller band*

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moving in opposite directions and opening up the passage opening from center outward

(emphasis added). Moreover, one of ordinary skill in the art would have no reasonable motivation for modifying the Danieau base reference so as to overcome the deficiencies recited above. For example, one of ordinary skill in the art would have no motivation to modify the single layer film member (26) of Danieau by replacing it with a two layer film member having constituent layers moving in opposite directions so as to open up the air passage from the center outward. Refer to Danieau, Figure 2A. Because the entire frame assembly of Danieau is specifically designed to accommodate a single layer film member that is rolled and unrolled from rollers (20, 22), it is readily apparent that an endless-type, two layer film member, which operates in an entirely different manner, could not be used in this assembly without completely destroying the intended functionality of the frame structure. Consequently, there is simply no possible way to arrive at the claimed invention recited in claim 58 without resorting to impermissible hindsight reconstruction. Therefore, because the closest prior art fails to disclose, teach, or suggest numerous limitations set forth in claim 58, and there is no reasonable motivation for one of ordinary skill in the art to modify the closest prior art references (Danieau, Stevenson et al., and JP '945) in such a way so as to cure these deficiencies, independent claim 58 of this application is clearly patentable over the prior art.

In regard to dependent claims 31-56 and 59-60, these claims are allowable as being dependent, either directly or indirectly, upon allowable independent claims 30 and 57.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick F. O'Reilly III whose telephone number is (571) 272-3424. The examiner can normally be reached on Monday through Friday, 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. O'Reilly III/
Examiner, Art Unit 3749

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Supervisory Patent Examiner, Art Unit 3749